

2014 General Permit for Discharges of Storm Water Associated with Construction Activities Five (5) Acres or Greater

Frequently Asked Questions

1. How do I know if I need to submit an NOI for coverage under the large construction general permit?

LDEQ has issued two general permits for storm water discharges from construction activities: the small construction general permit, LPDES Permit No. LAR200000 (for activities that disturb 1 acre or greater, but less than 5 acres) and the large construction general permit, LAR100000 (for activities that disturb 5 acres or more). LDEQ requires the submission of Notice of Intent (NOI) for construction activities that disturb 5 acres or greater unless the project is part of a common plan of development that is 5 acres or greater (e.g. a subdivision, retail development, industrial plant, airport, etc.). **The acreage requirement refers to the total amount of land area that will be disturbed at a project site, not the entire area owned at a project site.**

The CSW-G, dated 9/3/2014, is the correct NOI to submit for coverage under the large construction general permit. Effective October 1, 2014, all permit applicants must estimate the time frame needed to complete the project (including final stabilization) and select the number of years permit coverage is needed. The payment of the annual fee(s) for the entire period selected must be paid in full at the time the NOI is submitted. The newest version of the NOI includes the option to select multiple years. **Older versions of the NOI do not have this option and will no longer be accepted.**

The small construction general permit only requires the development of a SWPPP prior to the start of construction and submission of a Small Construction Activity Completion Report (SCACR) upon final stabilization. There are no permit fees for coverage under the small construction general permit. If you submit an NOI for a project that does not qualify for the large construction general permit, you will receive an error letter from the Department.

Single activities that disturb less than one acre are not regulated by LDEQ. However, you may use the Best Management Practices outlined in the permits to minimize pollutants discharged as a result of construction activity.

PLEASE READ THE PERMIT(S) AND FAMILIARIZE YOURSELF WITH THE REQUIREMENTS PRIOR TO DEVELOPING A SWPPP AND INITIATING CONSTRUCTION.

2. I need help developing a SWPPP. Who can I contact?

SWPPP templates are available on our website at:

<http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/LPDESPermits/StormwaterInformation.aspx>.

If you need assistance developing the SWPPP, please contact one of LDEQ's small business/community assistance staff at sbap@la.gov, (800) 259-2890, or you can visit the website at:

<http://www.deq.louisiana.gov/portal/PROGRAMS/SmallBusinessSmallCommunityAssistance/BSCAP.aspx>. Small business assistance is a **FREE** service provided by LDEQ.

3. I am building a house in an older, established subdivision. Do I still need a permit?

You MAY need a permit. If a small portion of the original common plan of development remains undeveloped and there has been a period of time where there are no ongoing construction activities, you may re-evaluate the original project based on the acreage remaining from the original common plan. You may need to consult with your local building permit office, zoning office or storm water inspectors (if located in a larger city such as Baton Rouge, Shreveport, Metairie, or New Orleans), who have access to existing subdivision plans. If less than one acre of undeveloped land remains of the original common plan of development, no permit is required. If less than five acres, but if one or more acres remain, you will need to comply with the terms and conditions of the small construction general permit. If 5 or more acres remain, you will need to submit a NOI for coverage under the large construction general permit.

4. Do I need to submit a SWPPP with my NOI?

No, do not submit your SWPPP to LDEQ. The large construction general permit is self-implementing, which means by submitting a signed NOI, you are certifying that a SWPPP has already been developed for the project and complies with all of the permit conditions. If you would like someone to review your SWPPP prior to submitting an NOI, please contact the small business assistance staff (see number 2 above).

5. What portions of a construction project does my permit authorization cover?

Your permit authorization is dependent of what you describe as the project on the Notice of Intent. For example, if you put "Lot 51 in Fairwood Estates" as the project description, you only have authorization to build on Lot 51. If you state "Multiple lots in Fairwood Estates", you are authorized to build as many houses as you like in that one subdivision under your permit authorization. Under no circumstances does any permit authorization go beyond the boundaries of one common plan of development.

If you or your company is responsible only for the land clearance or infrastructure (roads, sewer, water, etc.) of a new development, please specify that in your project description. If you only put "Fairwood Estates" and no additional qualifiers under the project description, you assume full responsibility for all construction taking place within the subdivision.

6. How do I pay?

You may attach a check or money order to the Notice of Intent, or, you can attach a copy of the e-receipt after paying through our online accounts payable system. If you plan on submitting an NOI for a new project and prefer to pay online, you will need to request an Agency Interest (AI) number from LDEQ prior to submitting payment.

Go to the following website for a tutorial on how to set up an account to pay online:

<http://www.deq.louisiana.gov/portal/DIVISIONS/FinancialServices/InvoicingandAccountsReceivables.aspx>.

To request an Agency Interest (AI) number for a new project, please send an email to: DEQ-FacilityUpdatePersonnel@la.gov. A link to this email is also available in the online account setup process.

7. How long does it take to get a permit?

Generally, the permit applicant will receive a written notification from the LDEQ Water Permits Division, containing the permit file number and automatic termination date, four to six weeks after the Notice of Intent is received by the Water Permits Division. This may take longer depending on the permit writer's workload and whether or not the permit writer needs to contact you for additional information. Due to limited staff and the high volume of general permit NOIs that are received, the Water Permits Division cannot always accommodate requests for expedited processing. Please be aware that the general permit is self-implementing, which means that the permittee has authorization to proceed 48 hours after the post-mark date of a complete and correct Notice of Intent (with payment) or upon hand-delivery to LDEQ Headquarters, located at 602 N 5th Street, Baton Rouge, LA 70802 (Galvez Building).

8. I received coverage under a previous version of the permit; will my project be covered under the reissued permit?

Yes, existing permittee who do not have any outstanding invoices will be reauthorized under the new general permit for one year. Existing permittees will be notified by letter during the first few weeks of October; the letter will contain the automatic expiration date of permit coverage. If additional time is needed to complete the project, permittees should submit an NOE form, with payment of the annual fee(s), at least 30 days before your coverage expires.

Existing permittees that owe outstanding permit fees as of September 30, 2014 will have their permit coverage terminated on October 1, 2014. Notifications were mailed in June, 2014 and permittees were given ample time to settle any outstanding invoices.

9. I am not sure how long my project will take to complete, how many years should I select?

If you are unsure, slightly underestimate the time period you select on the NOI. If additional time is needed to complete a project, you may always submit a Notification of Extension at least 30 days before the expiration date of your existing permit coverage. Extensions of coverage may not exceed the 5 year term of the permit. For example, if you receive coverage for 2 years in 2015 and your coverage will expire in 2017, you may only request an extension of coverage through September 30, 2019 which is the date the current master general permit expires.

10. I plan on building multiple houses in subdivision; do I need to submit an NOI for each house?

Although you may submit separate NOIs, if necessary due to the time frame, LDEQ does not encourage this. You only need to submit one NOI for all of the construction for which you are the operator within one common plan of development. However, you must ensure that your Storm Water Pollution Prevention Plan is sufficient for all of the homes you plan on building in one subdivision. See the permit for a definition of common plan of development.

11. I finished my construction project before the automatic termination date, can I submit a Notice of Termination (NOT)?

You may submit an NOT, however, LDEQ encourages you to allow the permit to automatically expire in order to reduce the paperwork burden on the department. If you have completed the project and the site meets the final stabilization requirements contained in the permit, you have fulfilled the permit requirements and there is not any specific need to terminate the permit early. The only situation where an NOT must be submitted is when an ongoing project is transferred to a different operator (see below).

12. I am taking over an ongoing project that is already permitted; do I have coverage under the existing permit?

No, permit coverage for storm water discharge permits is not transferable. You must submit a new Notice of Intent (with payment). The previous operator must submit a NOT to end his/her responsibility for the permit requirements.

13. Will I have coverage if I forget to include payment?

No, an NOI submitted without the payment of the annual fees is considered incomplete. You will be contacted by a permit writer and notified that you do not have coverage under the general permit until payment is received.

14. Can I get a refund if I submitted an NOI with payment, but no construction took place?

No, LDEQ's fee regulations (LAC 33: IX, Chapter 13) do not provide any allowances for refunds of annual permit fees under any general permit.

15. My project will only last 13 months; do I really have to pay for two years of annual permit fees for one extra month of work?

Yes, LDEQ's fee regulations do not allow for pro-rating of general permit fees. If you were operating at any time during the year, you are responsible for paying the entire annual fee.

16. The local authorities (parish, city, etc.) are requiring proof that I have a permit before I get my building permit, can permits be expedited?

See Number 7 above. Most local authorities will accept a copy of the Notice Intent you submitted to LDEQ and/or a copy of your SWPPP.

17. I need a copy of my NOI, my permit authorization letter, etc. How do I get this?

All documents associated with your project are scanned and made publicly available in LDEQ's Electronic Document Management System (EDMS). Go to <http://edms.deq.louisiana.gov/app/doc/querydef.aspx>. Enter your Agency Interest (AI) number into the search screen and click "Run". All documents will be listed in order of date. If you do not know your AI number, click on "Lookup AI" and you may search by applicant name.